IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No. 2584 of 2005

Between:

Smt. N.Nirmala W/o Narayana Rao
R/o C/o Mantena Venkata Subbaraju Paradesipalem, Marikavalasa(V)
Chinakadiri Rural(M) Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue Officer Chinakadiri Rural (M)
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or direction preferably writ of Mandamus directing the action of the respondents and their staff in taking steps to dispossess the petitioner from the land admeasuring Ac. 2-78 cents in Sy.No.173/3 situated at Paradesipalem(V) Chinakadiri Rural(M) Visakhapatnam District, without issuing any notice and without following due procedure as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents and their staff not to dispossess the petitioner from the said land, and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Alleging that she was granted a D-Form patta in respect of Ac.2.78 cents in Sy.No.173/3 of Paradesipalem village where she raised different varieties of trees, and that respondents high handedly and without any entitlement are trying to dispossess her there from, petitioner filed this writ petition for declaration that respondents attempting to dispossess her from the aforesaid land of Ac.2.78 cents, without conducting any enquiry and without passing orders cancelling the patta, is illegal, arbitrary and violative of the principles of natural justice, and consequently to pass an order restraining them from dispossessing her from the said land.

The relief sought by the petitioner in this petition, in effect, is declaration of her title and consequential injunction restraining the respondents from interfering with her possession over the property allegedly assigned to her. Since the petitioner has an effective alternative remedy of civil suit for declaration of title and consequential injunction, I find no grounds to admit the writ petition. Hence the writ petition is disposed of with a direction to both parties to maintain status quo obtaining as on today in respect of the aforesaid Ac.2.78 cents for a period of one week from today. No order as to costs.

Dated: 15.02.2005

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector, Visakhapatnam

2. The Mandal Revenue Officer,

Chinakadiri Rural Mandal, Visakhapatnam District

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies

*Form-NIC-OGS/WP{**GR**}*